

SENATE BILL 1910

By Herron

AN ACT to enact the "Schools Against Violence in Education Act" and to amend Tennessee Code Annotated, Title 49.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as, the "Schools Against Violence in Education Act" or the "SAVE Act".

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, is amended by inserting sections 3 through 14 of this act as a new, appropriately designated part thereto.

SECTION 3. As used in this part, "school resource officer" means a law enforcement officer employed by a law enforcement agency to serve as a safety officer on the premises of a school, with the power to exercise all law enforcement powers with respect to teachers, staff, students and visitors to such school. A school resource officer shall abide by LEA policies and shall consult with and coordinate activities with the school principal, but shall be responsible to the law enforcement agency in all matters related to employment. Any activities conducted by the school resource officer as part of the regular instructional program of the school shall be under the direction of the school principal and LEA.

SECTION 4. The commissioner shall establish a state-level safety team which shall assist LEAs and schools with compliance with this part as reasonably necessary. As part of such assistance, the state-level safety team shall publish a template for use by districts in preparing their district-level safety-plans and building-level emergency response plans, which template shall outline the responsibilities of the LEAs and individual schools in complying with this part. The state-level safety team shall regularly review and update such template.

SECTION 5. The state-level safety team shall be directed by the director of the Tennessee school safety center established in § 49-6-4302.

SECTION 6. Each LEA shall adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response and emergency management. Such plans shall be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and shall follow the template developed by the state-level safety team. An LEA having only one (1) school building shall develop a single building-level school safety plan, which shall also fulfill all requirements for development of a district-wide plan.

SECTION 7. At a minimum, the template prepared by the state-level safety team shall include:

- (1) The designation of an emergency response team;
- (2) Policies and procedures for communication with law enforcement officials, parents and guardians in the event of emergencies, incidents of or threats of violence;
- (3) Policies and procedures relating to school building security, including, where appropriate, the use of school resource officers, security devices or security procedures, and addressing, where appropriate, the use of the building by the public for events other than school activities and the impact such use may have on building security;
- (4) Procedures for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area;
- (5) Procedures for coordination of the school safety plan with the resources available through the department of mental health and developmental disabilities or a similar local agency to assure that the school has access to federal, state or local mental health resources in the event of a violent incident;
- (6) Appropriate violence prevention and intervention strategies such as:

(A) Collaborative arrangements with state and local law enforcement officials, designed to ensure that school resource officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

(B) Dissemination of informative materials regarding the early detection and identification of potentially threatening behaviors and violent acts to teachers, administrators, school personnel, parents or guardians and students;

(C) Non-violent conflict resolution training programs;

(D) Peer mediation programs and youth courts;

(E) Extended day and other school safety programs; and

(F) Comprehensive school counseling and mental health programs;

(7) Policies and procedures for annual school safety training for all students, teachers, and other school personnel; and

(8) Policies and procedures for the safe evacuation of all students, teachers, other school personnel and visitors to the school in the event of a serious violent incident or other emergency.

SECTION 8. Each district-wide school safety team shall be appointed by the commissioner and shall include, but not be limited to, representatives of the school board, representatives of student, teacher, administrator and parent organizations, and school personnel including school safety personnel. Each building-level school safety team shall be appointed by the building principal, in accordance with regulations or guidelines prescribed by the commissioner. Such building-level teams shall include, but not be limited to, representatives of teacher, administrator and parent organizations, and school personnel including school safety personnel, as well as community members, local law enforcement officials, local ambulance or

other emergency response agencies, and any other representatives the commissioner deems appropriate.

SECTION 9. Each safety plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed.

SECTION 10. Each LEA shall make each district-wide and building-level school safety plan available for public comment at least thirty (30) days prior to its adoption, provided that only a summary of each building-level emergency response plan shall be made available for public comment. Such district-wide and building-level plans may be adopted by the LEA only after at least one (1) public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Each LEA shall file a copy of its district-wide comprehensive safety plan with the commissioner and all amendments to such plan shall be filed with the commissioner no later than thirty (30) days after their adoption. A copy of each building-level safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency and with the department of safety within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall not be subject to any open or public records requirements. If the LEA fails to file such plan as required by this section, the commissioner may withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance.

SECTION 11. The commissioner may grant a waiver of the requirements of this section to any LEA for a period of up to two (2) years from the date of enactment upon a finding by the commissioner that such district had adopted a comprehensive school safety plan on the effective date of this section which is in substantial compliance with the requirements of this section.

SECTION 12. Beginning no later than February 1, 2008, and annually on or before February 1 of each year thereafter, the commissioner shall report to the governor and the general assembly on implementation of and compliance with the provisions of this section.

SECTION 13. An LEA may seek grant funding from the school safety center to assist with compliance with this section according to §49-6-4302.

SECTION 14. Each LEA shall ensure that the district-wide safety plans and building-level emergency response plans required by this part are developed in such a manner as to be consistent with the district's harassment and bullying policies developed pursuant to §49-6-1016.

SECTION 15. The legislative body of any county or municipality may appropriate funds for the purpose of providing resources for district-wide school safety plan, building-level school safety plans and district-wide school safety teams. Federal, state and local funds designated for such purposes may be used to provide such.

SECTION 16. Tennessee Code Annotated. Section 49-6-4301, is amended by inserting the following as new, appropriately designated subsections:

() The commissioner, in conjunction with the commissioner of safety, shall establish a statewide uniform violent incident reporting system which all LEAs shall follow. The uniform violent incident reporting system shall require all LEAs to report annually to the commissioner in a form and by a date prescribed by the commissioner, the following information concerning violent and disruptive incidents, as defined by the commissioner, that occurred in the prior school year:

- (1) The type of offenders;
- (2) If any offender is a student, the age and grade of the student;
- (3) The location at which the incident occurred;
- (4) The type of incident;

(5) Whether the incident occurred during or outside of regular school hours;

(6) Where the incident involves a weapon, whether the weapon was a firearm, knife or other weapon;

(7) The actions taken by the school in response to the incident. Including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders by law enforcement;

(8) Any student discipline or referral action taken against a student offender and the duration of such action; and

(9) The nature of the victim and the victim's age and grade where appropriate.

() The commissioner shall require a summary of such information to be included, in a form prescribed by the commissioner, in the annual report published by the commissioner each year pursuant to §49-1-211.

() Beginning on or before February 1, 2007, and annually on or before February 1 of each year thereafter, the commissioner shall report to the governor and the general assembly concerning the prevalence of violent and disruptive incidents in the public schools, and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system, and identify specifically the schools and school districts with the least and greatest incidence of violent and disruptive incidents, and the least and most improvement since the previous year or years.

SECTION 16. The commissioner of education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be

promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.